

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARIA MELENDREZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 3:15-cv-02525
	§	
MACY'S CREDIT & CONSUMER	§	
SERVICES, INC.,	§	
	§	
Defendant.	§	

PLAINTIFF'S COMPLAINT

MARIA MELENDREZ (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against MACY'S CREDIT & CONSUMER SERVICES, INC. (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Texas, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Richardson, Texas.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a main business office in Cincinnati, Ohio.

7. Defendant acted through its agents, employees, officers, members, directors, heirs,

successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. In or around 2014, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 347-857-08XX.

10. Defendant places telephone calls from numbers including, but not limited to, 513-573-8028

11. Based upon the timing and frequency of Plaintiff's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

12. On or around January 15, 2015, at approximately 9:32 a.m., Plaintiff received a call from Defendant and spoke to Defendant's representative, "Linda."

13. During the course of the telephone conversations on or around January 15, 2015, Plaintiff requested that Defendant cease placing calls to her cellular telephone.

14. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on his cellular telephone in or around January 15, 2015.

15. Despite Plaintiff's request to cease, Defendant placed at least five hundred and eighteen (518) calls to Plaintiff in an approximate five month period between January 29, 2015 and June 24, 2015.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

16. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
20. All court costs, witness fees and other fees incurred; and
21. Any other relief that this Honorable Court deems appropriate.

Dated: July 30, 2015

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

Ryan Lee
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 405
Los Angeles, CA 90025
Tel: 323-988-2400 x241
Fax: 866-861-1390
rlee@consumerlawcenter.com
Attorney for Plaintiff